

FULL COUNCIL MEETING MINUTES
September 17, 2018 - 1:30 PM
STATE COUNCIL FOR PERSONS WITH DISABILITIES
Felton-Farmington Conference Room, DelDOT Building, Dover

PRESENT

Nick Fina, Chair/Advocate; Todd Webb, Vice-Chair/DelDOT-ADA; Gene Aucott, Easter Seals; Anthony Carter, JEVs; Karen DiNardo, State Rehabilitation Council; Moni Edgar, CAP-UCP; Leslie Hailey, DHSS/DDDS; Terri Hancharick, EPIC; Linda Heller, HLADE; Bonnie Hitch, DART; Jocelyn Langrehr, DOL/DVR; Karen McGloughlin, DHSS/DPH; Daniese McMullin-Powell, Advocate; Jim Miller, Polio/Post-Polio Support Group; Michelle Morin, Office of Supplier Diversity; Robert Overmiller, GAAPDG; Ann Phillips, DE Family Voices/Parent; Lauren Reynolds, Freedom Center for Independent Living; Lloyd Schmitz, Council on the Blind; Meredith Tavani, DSCYF/DPBH; Laura Waterland, DLP; Despina Wilson, Independent Resources, Inc.; John McNeal, Staff; Amber Rivard, Support Staff; and Jo Singles, Support Staff.

GUESTS

Rita Landgraf, U/D
Victoria Counihan, DOJ/AG
Angela Johnson, GACEC
Bill Powell

CALL TO ORDER

Nick called the meeting to order at 1:44 pm. Everyone introduced themselves. Nick explained how the microphones work with the captioning on the screen. He asked folks to use one of the four microphones when speaking so that the captioning can be captured remotely. There were some issues initially with the size of the font on the screen, but it was eventually resolved.

ADDITION OR DELETIONS TO THE AGENDA
APPROVAL OF MINUTES

Ann made a motion to approve the May 21, 2018 minutes and seconded by Gene. Motion was carried.

BUSINESS

Moment of Silence, Remembrances, and a Permanent Memorial for Jamie Wolfe

Nick spoke about a Memorial for Jamie to be held on Thursday, September 27th. He spoke about how to memorialize Jamie through this Council. Deb Bradl suggested writing a letter to the legislators to establish a "Jamie Wolfe Day". She suggested possibly Jamie's birthday. Deb spoke about Jamie's impact at Legislative Hall, this Council and other Councils. Jim commented that this was a good idea. Michelle suggested that recognition be around an important ADA date (July 26th) because of her huge impact. Deb made a motion that legislators be contacted to make July 26th "Jamie Wolfe Day" to honor her work in improving the lives of people with disabilities. Karen seconded the motion and motion was carried. Terri added that the legislators are working on a scholarship fund in honor of Jamie.

Action Step: Write to legislators about memorializing Jamie on July 26th, the Anniversary of Passage of the ADA

Custie Award – Distribution and Collection of Ballots

Custie Award Ballot were distributed and collected. Victoria reminded that names should be written on the ballots and can be reviewed after the voting takes place. Jo tallied the votes as the meeting continued.

Update of the Governor's Commission on Building Access to Community-Based Services

Rita gave an update of the Governor's Commission on Building Access to Community-Based Services. She spoke about the Commission, which began during Governor Minner's Administration. Governor Carney is interested in the work on the Commission and how the work applies to other groups relative to advancing community-based opportunities for people with disabilities. The Commission is in the process of creating a strategic plan. She noted that the SCPD has representation on this Commission. Currently, an inventory is being done on all advisory councils, inclusive of SCPD, the Employment First Oversight Commission, the Delaware Developmental Disability Council, and the Governor's Advisory Council on Exceptional Citizens. The Commission is looking at the priorities as embedded by State Code and what these Councils are mandated to do and other areas that they may be engaged in in order to decide what role the Governor's Commission will play if there is a role. Rita stated that she is Co-Chair of the Commission and serves as the Advocate, with Secretary Walker serving as Co-Chair and Secretary. She said that this continues to be a work in progress. The next meeting is September 19th at 2 pm at the DHSS Campus (Chapel). Nick asked why it has taken so long since the Commission started with Governor Minner. Rita stated that Governor Carney wants to see what all the disability groups are engaged in and how to add value. Rita commented that this Commission was started by Executive Order and each Governor has an opportunity to decide whether the Executive Order remains in play. Rita will keep us posted as the work advances.

SCPD Retreat: Summary of Learnings

Rita spoke about the SCPD 2018 Retreat Highlights (dated 9/17/18) and displayed it on the screen. Rita reviewed the Guiding Principles in particular (page 8-9 of the Highlights). She spoke about the Priorities for 2018-19 (page 9), the Priorities for 2018-FY 20 (page 11) and the Priorities (page 12-14).

Rita reviewed the Draft SCPD Strategic Plan Working Papers (dated 7/2/18). She reviewed the Mission (cover page) and the three Guiding Principles and the six Administrative Principles. Goals and Objectives were reviewed and how to execute them:

Promote and provide better coordination of State services, policies, programs, plans and activities to achieve full integration of individuals with disabilities in community

- ▶ Continuously review State Depts./agencies services, policies, programs, plans and funding to determine effectiveness in meeting the needs of persons with disabilities
- ▶ Make recommendations to Executive and Legislative Branch on effectiveness, improvements and/or the need for expanded or new services, etc.
- ▶ Provide Executive, Legislative and public with review/comment on all (relative to mission)STATE legislative proposals

- ▶ Provide Executive, Legislative, public with analysis and recommendations on federal and local government legislation, regulations and policy affecting state programs and individuals
- ▶ Propose and promote legislation regulations and policy to improve the well-being of persons with disabilities
- ▶ Hold agencies accountable for advancing full integration

Serve as a central state clearinghouse

- ▶ Be the repository for information and data relative to the current number of persons with disabilities and their needs (as it relates to mission); the location provision and availability of services and programs for persons with disabilities and any other relevant information/data Council deems appropriate

In addition to administering the full council, SCPD by statute, has expanded authority to administer the following

- ▶ Serve as advisory council for the Community-Based Attendant Services program (Chapter 94 of Title 16)
- ▶ Serve as primary brain injury council for the State – Maintain a standing committee to facilitate prevention and centralized interdisciplinary planning, assessment and an improved service delivery system
- ▶ Serve as administrative agency for the Employment First Oversight Commission

Council, at their discretion shall create standing committees in order to facilitate the infrastructure to achieve their mission

- ▶ Housing
- ▶ Policy and Law
- ▶ Nominating
- ▶ Deaf and Hard of Hearing

Ensure open and regular communication between the full Council and its constituents, including the Governor's Office, Legislature, and Membership

- ▶ Ensure a comprehensive onboarding, orientation and mentoring process for new SCPD members
- ▶ Create a communications internal and external plan (strategy) with a common language focused on outreach and engagement
- ▶ Make recommendations to the Governor, the General Assembly and all State departments and agencies on ways to improve the administration of services for persons with disabilities, and/or the need to facilitate the implementation of new or expanded programs
- ▶ Provide the Governor, the General Assembly, all interested agencies and the general public with review and comment on all State legislative proposals affecting persons with disabilities
- ▶ Provide policymakers and the general public with analyses and recommendations on federal and local governmental legislation, regulations and policies affecting state programs and persons with disabilities

Strengthen SCPD's Governance through adoption and execution of priorities that relate to overall mission and the availability of resources, inclusive of staffing, full council and committee members

- ▶ Review the feedback of the full members relative to overall council performance and challenges in execution
- ▶ Develop priorities of focus and commit or recommit to a structure that will advance the work as well as adheres to state code
- ▶ Better understand the collaboration of the councils and the individual roles each holds
- ▶ Identify if other disability councils, commissions or committees are better postured to take the lead on a specific issue, SCPD could support the focus or monitor the advancement
- ▶ Begin planning for FY20 budget and create an opportunity for an additional FTE or more to address the capacity needs of SCPD

Linda asked about what oversight we should have over County governments across the state. Rita commented that it is up to interpretation. She suggested looking at the merits of that from a prioritization perspective and that she believed in the past that SCPD has commented on County government policies on land use, developing community-based housing. She added that it would be wise not to get overly prescriptive. There has been some drifting away from the State Code mandate, and we need to really focus on the government structure. Pressing issues can be addressed.

Deb asked about the operations and activities of DVI and the Governor's Advisory council on Blind shall be exempt from purview of SCPD. Rita stated that this is the way it was written in State Code (under Guiding Principles), but suggested that we may want to change it since Lloyd is on the Council. Todd commented that we really should match what the ADA says and we should add "substantially limits one or more major activities as a record of such impairment, and being regarded as having such impairment."

John commented that there are several changes that need to be made to ensure that it matches with the federal code. Rita added that the State Code may have been written before the federal legislation advanced. Rita noted that federal code supersedes State Code. Michelle thanked Rita for the beautiful summary of the SCPD Retreat. She recommended that the Guiding Principles start with an overarching concern statement: There are not enough employees in the current office whose daily function would be to support the needs of the work that comes out of the Council (making reference to the last bullet on the handout). She added that this review is the most comprehensive report and all the work cannot be done by all volunteers. There needs to be more full-time employees to help carry the charge where the Council gives a governing recommendation, but is supported by FTEs who can carry this job forward. Michelle would like to see this leading this document and all documents going forward. Nick commented that DSHS representatives (Chief of Administration Joe Swiski and Secretary Rob Coupe) met with the Executive Committee earlier today. He added that, although the SCPD staff could be bigger, there is some analytical work that some members of the Council could perform to help better set the agenda for the Council. He will expand on this further in the next segment. Rita suggested that Michelle hold onto her thought. She added that this is a working document. She added that there are similar groups out there that have similar charges and how do we leverage those groups so that we are not duplicating the effort. John commented about this Council serving as a repository of data and clearinghouse for all people with disabilities and their needs. He stated that there is one full-time Director, two part-time administrative personnel, and one full-time administrative personnel. Other disability related councils have more personnel on staff that are more policy administrators. He will be following up with Joe Swiski and Secretary Coupe for the need for additional administrative staff whether or not ADA is housed under the SCPD. Nick commented that we need more engagement from Council members and more staff. Rita stated that she is looking forward to the finished product. She will share the inventory from the Commission. Nick is meeting with representatives of the GACEC and

DDC regarding possible consolidation of the work of the Policy & Law Committee. Wendy added that Laura should be included since she is involved in all three Councils. Nick thanked Rita for her efforts.

SCPD Retreat: An Operating Model for SCPD, 2018-19

Nick reviewed and displayed his SCPD Operating Plan for 2018-19 (handout). He spoke about the Council not meeting the requirement of the State Code and how we can achieve this more effectively. The goal is to close gaps in the next several months. He reviewed the following:

Analytical Methodology

1. **Characterize current shortfalls in required work (Gap A).**
2. **Develop metrics for required outcomes.**
3. **Analyze resource requirements (Gap B).**
4. **Fill Gap B.**
5. *Identify discretionary opportunities.*
6. *Add selected discretionary items to agenda.*
7. *Create project plans for discretionary items.*
8. *Re-analyze Gap B with discretionary items.*

Nick said that he saw the top four (**in bold**) being accomplished in the near future (focus through 2/19). The bottom four (*in italics*) could be worked on later (focus after 2/19). He then reviewed Gap A vs. State Code, including requirement, grade and need. He noted that these grade are subjective based on his observations in his years with the Council.

He spoke about new standards for membership and conduct of meetings, including:

- ▶ Roll call and quorum certification at every meeting
- ▶ Enforcement of attendance requirements in State Code
- ▶ Every current member should add at least one activity beyond attending full Council meetings
- ▶ Action items captured throughout the meeting, communicated afterwards
- ▶ Executive Committee trained on rules of order.

Nick reviewed 7 Improvement Initiatives, including requirement, grade and need as follows. The following people volunteered for particular initiatives:

- ▶ Initiative #1 (Grade C+) – Promote coordination among state programs for PWDs (3 volunteers)
- ▶ Initiative #2 (Grade C-) – Continuously review state agencies, services, policies and programs for effectiveness (3 volunteers)
- ▶ Initiative #3 (Grade C) – Recommend improvements on services offered by agencies and expanded services (3 volunteers)

After discussion, a decision was made to combine Initiatives #1-3 with the following volunteers:

Meredith Tavani, Despina Wilson, Karen McGloughlin, Linda Heller, Gene Aucott

- ▶ Initiative #4 (Grade B+) – Provide government and public with review and comment on legislation and regulations (3 volunteers: **Daniese McMullin-Powell, Nick Fina, Laura Waterland**)

- ▶ Initiative #5 (Grade C) – Analyze and recommend changes in federal and local laws, regulations (3 volunteers: **Lloyd Schmitz, Anthony Carter, Moni Edgar**)
- ▶ Initiative #6 (Grade D+) – Hold agencies accountable for full integration of PWD in society (3 volunteers: **Todd Webb, John McNeal, Daniese McMullin-Powell**)
- ▶ Initiative #7 (Grade F) – Be a repository for statewide data on disability (3 volunteers: **Michelle Morin, Jocelyn Langrehr, Susan Campbell**)

Nick plans to ask several questions of speakers at the SCPD Luncheon prior to the event regarding their plan to integrate persons with disabilities in society. Linda commented that many State agencies have their own Councils and have difficulty finding good people to advocate within that agency. She stated that SCPD may help them in identifying people who would be more proactive on these Councils. Karen commented that we need to better define what we mean by repository for statewide data on disability. She added that there are many systems throughout Delaware that collect data, including who will manage and store the data. Karen asked about the challenges addressed at the Retreat and not included in the Initiatives. Nick commented that this is a valid concern. Nick clarified that his list of initiatives came out of deficiencies from the State Code that Rita spoke about. Linda suggested working on one or two initiatives at a time and then move forward on the others. Nick clarified that his plan prior to the November meeting is to talk about the issues and develop some approaches on how to get this done. This is not to solve them. Linda suggested sending out an email to each subcommittee reiterating what you just said and give them the specific charge. Nick went back a few slides and repeat the Team Assignments:

- ▶ Analyze the problem in depth
- ▶ Define goals for an improvement project
- ▶ Develop list of key tasks and milestones
- ▶ Report results at the November SCPD meeting.

Despina asked for clarification regarding Initiative #1—asking if that includes only State agencies or all agencies that work with people with disabilities. John commented that it is the Council’s task to look at the state programs for PWD. He added that someone with a disability should be involved to identify what is lacking. He told Despina that she is in a unique position in working for Independent Living because of working with these agencies and seeing where there is a lack of coordination.

Nick stated that Jo will notify the volunteers for the initiatives by email. He would like to discuss at the November 19th SCPD meeting.

Daniese stated at the end of the meeting that if FOIA requirements have to be met, she would not be participating in the initiatives she volunteered for. Victoria stated that if State business is being discussed, FOIA has to be followed. Laura commented that meeting FOIA requirements has been a gross overreach and taken to the extreme. She added that two people should be able to meet and discuss issues affecting people with disabilities and this impacts the Council. Victoria added that these initiatives came out of the strategic planning of the Council and would be considered State business. Michelle spoke about initiative conversations taking place, but no voting takes place. The results of these meetings go back to the Council for the business to be determined by Council. The Policy & Law Committee and Executive Committee have been delegated power by the Full Council. All other groups must meet FOIA requirements. Nick commented that he would defer to the guidelines that Victoria provided today. Victoria stated that this is the position of her Office and we can choose to follow or not. John will follow-up on this because he thinks this is considered brainstorming. He said that we will need more staff to meet FOIA requirements and will be contacting Secretary Coupe.

Action Steps:

- **Individual subcommittees will meet to discuss their initiatives and update the Full Council at the November 19th meeting.**
- **John will follow-up about brainstorming meetings not having to meet FOIA requirements.**

DelDOT App Review

Joe Scruggs distributed a DART App Beta testing Signup Sheet (handout). He asked for people to sign up for testing, which begins on 10/15/18. Jo will send out an electronic copy of this document for distribution. The app is on Android and iOS. Joe can be contacted directly at joseph.scruggs@state.de.us for additional information.

Remote Access to SCPD Meetings: (a) Technology; (b) Remote Participation in Quorum

Nick explained how the equipment works with remote captioning earlier in the meeting. If the FOIA law gets changed to allow for participation and voting remotely, this equipment will assist with this.

Custie Award: Announcement of Winner

The winners are: Matt Denn, Beth Finamore, and Mary Ann Mieczkowski for putting together a Written and Spoken Language Program for young children with hearing loss. Voting Results: Joseph Connor: 1; Lloyd Schmitz: 8; Matt Denn, Beth Finamore, Mary Ann Mieczkowski: 13; Brigitte Hancharick: 4. Nick will draft a letter to notify the winners.

October Luncheon

John announced that the October 15th Annual Luncheon will be held at the Duncan Center, Dover, from 8:30 am – 1:30 pm. There will be many speakers, including Secretary Walker (DHSS), Secretary Cohan (DelDOT), Secretary Cade (DOL), and Secretary Garvin (DNREC), amongst others. Lloyd Schmitz asked if Secretary Johnson (DHR) has been invited. John stated that the agenda was full, but he would consider it.

Member Survey Analysis

John reviewed the results of the SCPD Membership Analysis. He stated that twenty-five surveys were received. He will share information with the Chairs of the Committees where people indicated an interest in serving. The results will be put on the SCPD website. Victoria noted that any groups (Committees, subcommittees and working groups) all need to meet FOIA requirements. She stated to let Jo know when you are meeting so she can put it on the calendar, 7 days advanced notice is required unless it is an emergency meeting, which requires a 1 day notice. Also, quorum must be reached. John stated that we are working hard at identifying membership. John spoke about SCPD needing additional staff. Existing staff are working above and beyond their job duties. He asked Council members to testify at the JFC Hearings about the SCPD needing additional staff.

Action Step: The results will be put on the SCPD website.

Legislative Update

John spoke about legislation drafted by two legislative aides last year (handout) regarding participating and voting in meetings via teleconferencing. This legislation was drafted about teleconferencing during meetings as a reasonable accommodation. This draft legislation has a more narrow focus. Victoria spoke about the legislation she drafted last year which was broader and included everyone on the behalf of the Council's request. She said that the biggest concern of boards and councils is how they know if a member has a disability. Michelle commented that she liked Victoria's draft because it covers full inclusion and does not require self-identifying for those who do not wish to do so. Nick agreed. John explained that when he took the draft legislation that Victoria had drafted to legislators, he was told by several legislators that they would not support it and thought it was way too broad. He spoke of his conversation with Lydia Massey (head of the Governor's Boards and Commissions). John had invited several legislators and Lydia to attend today's meeting, but they were not able to attend. Victoria commented that if the draft legislation (handout) goes forward, that a public meeting will have to take place. She added that this will also not address several committee members teleconferencing and that disability is not defined in the State Code. Laura commented that the legislation could be cross-referenced with the ADA. John thought the State Code is stricter than the ADA. Nick commented that he agreed with legislation focusing on people with disabilities. John stated that the handout does not have to be followed, but has a better chance of getting passed.

NEW BUSINESS, ANNOUNCEMENTS, ACTION ITEMS

Bonnie announced that she is retiring effective October. The plan is to have a replacement in November and the person selected will be designated to serve on the SCPD. John congratulated Bonnie on her retirement.

Todd announced that Project Search started at the end of August. They have 11 interns this year and started rotations today. One rotation is at DTC cleaning the buses and another at a materials and research lab testing concrete and asphalt. Another internship will start in January in the Sign Shop. There were 8 interns last year and six of those have secured employment, one is getting ready to secure employment and the last one is actively seeking employment. Todd invited people to schedule a tour. He noted that the target age is 14 to start thinking about it and during their last year of eligibility start. They can be on a certificate or diploma tract.

Karen spoke about DelDOT scheduling Public Hearings regarding DART schedule changes. The first one is September 18th in New Castle County and September 19th in Kent County (Dover Public Library). She will share this information with Jo for distribution.

Linda announced that the Hearing Loss Association of Delaware (HLADE) will be offering basic and beginning American Sign Language in Newport. Additional information can be found on their website: <http://hlade.org>. Classes start on October 1. There will be a class on October 11 entitled "Living Well with Hearing Loss." CDC has published statistics on hearing loss for the first time included hearing loss in the national survey, but was worded as "severe hearing loss." The national Hearing Loss Association is advocating to have the wording changed. Linda added that hearing loss is the fourth most common disability medical condition in the U.S. and will most likely increase the statistics when the wording gets changed.

Reports of Committees/Commission/Working Groups

This was postponed until the November meeting.

PUBLIC COMMENT

None

ADJOURNMENT

Nick made a motion to adjourn. Michelle seconded the motion and the motion was approved. The meeting was adjourned at 4:15 pm.

Respectfully submitted,

Jo Singles
Administrative Specialist

SCPD/minsep18

<u>Action Steps:</u>	<u>Owner</u>
▪ Write to legislators about memorializing Jamie on July 26 th , the Anniversary of Passage of the ADA	▪ John??
▪ Individual subcommittees will meet to discuss their initiatives and update the Full Council at the November 19 th meeting.	▪ All volunteers
▪ John will follow-up about brainstorming meetings not having to meet FOIA requirements.	▪ John
▪ The results will be put on the SCPD website.	▪ Jo